

**Rave-Perkins, Krista**

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**From:** Red Brick Road <redbrickrd@outlook.com>  
**Sent:** Monday, September 11, 2017 2:30 PM  
**To:** Rave-Perkins, Krista  
**Cc:** Szalay, Endre  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Krista, thanks very much for your call.

One follow-up we'd like to act on is the issue of heavy machinery being deployed to the Red Brick Road.

During the call, you mentioned that the Nelsons' lawyer told EPA that the heavy machinery observed by neighbors on the Red Brick Road belongs to King County, and that the County had confirmed this. Given that the County itself is the guardian of the road's integrity, we'd like to understand which County department deployed these vehicles, and to what end.

Would it be possible for you to provide us with the information you have regarding these vehicles, as well as the appropriate King County contact for followup?

Thanks!

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**From:** Rave-Perkins, Krista [mailto:Rave-Perkins.Krista@epa.gov]  
**Sent:** Monday, September 11, 2017 10:37 AM  
**To:** Red Brick Road <redbrickrd@outlook.com>  
**Cc:** Szalay, Endre <Szalay.Endre@epa.gov>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

The phone number to call in is: (b) (6) . When prompted, enter (b) (6) .

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**From:** Red Brick Road [mailto:redbrickrd@outlook.com]  
**Sent:** Monday, September 11, 2017 10:17 AM  
**To:** Rave-Perkins, Krista <Rave-Perkins.Krista@epa.gov>  
**Cc:** Szalay, Endre <Szalay.Endre@epa.gov>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Ah, sorry, I meant today.

A few of us will be calling in, so best you provide us with a number we can call into.

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**From:** Rave-Perkins, Krista [mailto:Rave-Perkins.Krista@epa.gov]  
**Sent:** Monday, September 11, 2017 7:58 AM  
**To:** Red Brick Road <redbrickrd@outlook.com>  
**Cc:** Szalay, Endre <Szalay.Endre@epa.gov>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Hi: When you say 1:00 pm, you mean today (Monday 11<sup>th</sup>)? Or Wednesday the 13<sup>th</sup>? Please send me a telephone number where we can call you. Otherwise, I will need to send you a phone number once I reserve a room/phone.

Thanks,  
Krista

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**From:** Red Brick Road [<mailto:redbrickrd@outlook.com>]  
**Sent:** Sunday, September 10, 2017 6:10 PM  
**To:** Rave-Perkins, Krista <[Rave-Perkins.Krista@epa.gov](mailto:Rave-Perkins.Krista@epa.gov)>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Alright, we'll take the 1:00pm slot. Thanks.

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**From:** Rave-Perkins, Krista [<mailto:Rave-Perkins.Krista@epa.gov>]  
**Sent:** Thursday, September 7, 2017 10:02 AM  
**To:** Red Brick Road <[redbrickrd@outlook.com](mailto:redbrickrd@outlook.com)>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

No, we don't have time on either of those days. We might have another time slot open on the 13<sup>th</sup> if a different time on that day works better for you. However the latest on that day would be 3:00 – 4:00 on the 13<sup>th</sup>.

Sorry, we have limited time available in September.

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**From:** Red Brick Road [<mailto:redbrickrd@outlook.com>]  
**Sent:** Thursday, September 07, 2017 9:56 AM  
**To:** Rave-Perkins, Krista <[Rave-Perkins.Krista@epa.gov](mailto:Rave-Perkins.Krista@epa.gov)>  
**Cc:** Szalay, Endre <[Szalay.Endre@epa.gov](mailto:Szalay.Endre@epa.gov)>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Thank you, Krista.

Is there any availability on the 14<sup>th</sup> or the 15<sup>th</sup>?

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**From:** Rave-Perkins, Krista [<mailto:Rave-Perkins.Krista@epa.gov>]  
**Sent:** Wednesday, September 6, 2017 3:50 PM  
**To:** Red Brick Road <[redbrickrd@outlook.com](mailto:redbrickrd@outlook.com)>  
**Cc:** Szalay, Endre <[Szalay.Endre@epa.gov](mailto:Szalay.Endre@epa.gov)>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Hello: Thank you for your patience. We would like to set up a call with you and have the following dates/times available:

Monday Sept. 11<sup>th</sup> 11:00 a.m. – 12:00 or 1:00 p.m. – 2:00

Wednesday Sept. 13<sup>th</sup> 10:00 a.m. – 11:00 or 2:00 p.m. – 3:00

Would you prefer to call us? If you would like for us to call you, please send me a phone number.

Thanks,

Krista Rave-Perkins, EPA  
404 Enforcement Officer  
206-553-6686

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**From:** Red Brick Road [<mailto:redbrickrd@outlook.com>]  
**Sent:** Tuesday, August 29, 2017 2:00 PM  
**To:** Rave-Perkins, Krista <[Rave-Perkins.Krista@epa.gov](mailto:Rave-Perkins.Krista@epa.gov)>; Kowalski, Ed <[Kowalski.Edward@epa.gov](mailto:Kowalski.Edward@epa.gov)>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Thank you, Krista.

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**From:** Rave-Perkins, Krista [<mailto:Rave-Perkins.Krista@epa.gov>]  
**Sent:** Tuesday, August 29, 2017 11:15 AM  
**To:** Red Brick Road <[redbrickrd@outlook.com](mailto:redbrickrd@outlook.com)>; Kowalski, Ed <[Kowalski.Edward@epa.gov](mailto:Kowalski.Edward@epa.gov)>  
**Subject:** RE: Gunshy Manor - King County DPER evading 404 process

Hello: I am writing to confirm that I received all of your email messages and Cathy's responses (King County contact). I also understand that you have contacted the Corps of Engineers. I will look into the concerns and get back to you as soon as I can. It might not be until tomorrow before I get all the information.

Thanks,  
Krista

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**From:** Red Brick Road [<mailto:redbrickrd@outlook.com>]  
**Sent:** Friday, August 25, 2017 9:43 AM  
**To:** Kowalski, Ed <[Kowalski.Edward@epa.gov](mailto:Kowalski.Edward@epa.gov)>; Rave-Perkins, Krista <[Rave-Perkins.Krista@epa.gov](mailto:Rave-Perkins.Krista@epa.gov)>  
**Subject:** Gunshy Manor - King County DPER evading 404 process

Dear Mr. Kowalski, Ms. Rave-Perkins:

Would you be available for a call with our community at your earliest convenience next week?

We're writing to EPA to express our deep concerns with King County DPER's oversight and enforcement of EPA's Gunshy Manor settlement agreement.

As you know, the owners of Gunshy Manor have obtained an initial grading and filling permit from KC DPER to proceed with the restoration work mandated by the settlement. However, contrary to what EPA told our community, KC DPER have allowed the Grading and Fill permit to proceed without a US Army Corps of Engineers Section 404 permit. KC DPER determined the work on the property would be outside of the Waters of United States Statute's authority, therefore removing that regulatory hurdle of receiving a US ACoE review. As far as we know, this was a unilateral determination by KC DPER, without involving EPA or the State of WA.

As you also know, this decision echoes a number of questionable decisions made by DPER in the past, all providing undue favoritism to the owners of Gunshy Manor.

Additionally, we have learned that last week a SEPA addendum was granted to the grading and fill permit, thereby completing the KC DPER paperwork requirements. However, there is still no Critical Areas Designation on file for the site. KC DPER have evidently decided that the work can proceed without following the CAO. Again, this is exactly contrary to what EPA told our community would happen. And not surprisingly, we have visual evidence that best practices are not being followed, e.g. re-compaction of "restored" surfaces adjacent to the roads, and a lack of silt barrier fencing alongside the Farm Ditches.

We infer from all of this that KC DPER is unlikely to enforce the EPA settlement document we reviewed earlier this year. In fact, a member of our community was told verbally by KC DPER permit supervisor Steve Reberg that KC's authority to order restoration is not necessarily going to match the settlement. This give us reason to believe that KC DPER will

neither supervise nor enforce that the restoration work even comes close to matching what the agreement calls for, including amounts of removed fill or final “road” widths.

Our community will continue to observe the restoration work and complain to DPER when the reality doesn’t match the specifications. However, when the agency in charge of oversight are engaging in negligence (at best) or collusion (at worst), it’s unclear we will be able to achieve the outcome described in the settlement. Further, this situation effectively discards many hours of fine work performed by EPA employees, makes a mockery of EPA’s enforcement capabilities, and sets a dangerous precedent for the future.

Again, we would appreciate it if you could join us for a conference call to discuss these issues.

Thank you.